

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,	)	8:04CR360
Plaintiff,	)	
	)	
v.	)	USM No: 19717-047
	)	
ELBERT MONTEZ FOX	)	<u>DAVID R. STICKMAN</u>
Defendant.	)	Defendant's Attorney
Date of previous judgment:	)	

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 70 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level:	<u>26</u>	Amended Offense Level:	<u>24</u>
Criminal History Category:	<u>V</u>	Criminal History Category:	<u>V</u>
Previous Guideline Range:	<u>84</u> to <u>105</u> months	Amended Guideline Range:	<u>70</u> to <u>87</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated February 11, 2005 shall remain in effect.  
**IT IS SO ORDERED.**

Dated this 25<sup>th</sup> day of March, 2008  
Effective Date: Tuesday, March 25, 2008

s/ Joseph F. Bataillon  
Chief United States District Judge